

JK 873

.A4

1919

Copy 1

**LAWS AND REGULATIONS
GOVERNING LEAVES OF ABSENCE**

IN THE

DEPARTMENT OF JUSTICE



EFFECTIVE JULY 1, 1919



**WASHINGTON
GOVERNMENT PRINTING OFFICE**

1919

11-17701

**LAWS AND REGULATIONS
GOVERNING LEAVES OF ABSENCE**

IN THE

U. S. DEPARTMENT OF JUSTICE.



EFFECTIVE JULY 1, 1919



WASHINGTON
GOVERNMENT PRINTING OFFICE
1919

JK 873
A4
1919

D. of B.
AUG 26 1919



The following regulations, consistent with the laws printed herein providing for the hours of labor and leaves of absence of employees in the executive departments, are hereby published for the information of all concerned, effective July 1, 1919.

They shall apply as well to attorneys, chiefs of divisions, and other supervising officials as to the clerical force and other employees, and officials will be held strictly accountable for their enforcement.

These regulations shall be applied as far as practicable to the field service in connection with this department outside of Washington, D. C.

Any regulations of this department heretofore issued inconsistent with these are hereby revoked.

The chief clerk shall report in writing to the Attorney General instances of the refusal of employees to comply with the rules herein promulgated.

A. MITCHELL PALMER,
Attorney General.

OFFICE HOURS.

(1) *Office and lunch hours:*

The hours of service, unless otherwise especially ordered, begin at 9 o'clock a. m. and close at 4.30 o'clock p. m., with one-half hour for luncheon, the particular half hour to be designated by the chiefs of the different divisions.

(2) *Lunch hours varied:*

In the interest of the service, so that all the clerks in important rooms shall not be absent at the same time, chiefs of divisions may vary the time for luncheon of certain employees.

(3) *Tardiness to be reported:*

Tardy arrival for duty, premature cessation of work, or absence during office hours shall be reported to the chief clerk by the heads of the several bureaus, offices, and divisions, and shall be charged as annual leave unless this leave is exhausted, then as leave without pay. Reduction in grade and pay will follow habitual absence from duty due to the causes herein mentioned.

(4) *Penalties for evasion:*

Evasion of the laws or taking undue advantage of the regulations covering leave of absence or attempts to avoid being charged with absence from duty during office hours will be dealt with severely.

(5) *Time reports:*

In divisions where deemed necessary a record shall be kept of the arrivals, departures, and absences of all employees connected therewith. Accuracy should be observed in noting arrivals, departures, and absences during the day, instead of a perfunctory notation of the hours. At the beginning of each week the records of the preceding week shall be sent to the chief clerk for verification of the leave granted and for posting the absences on the records.

NEW, TEMPORARY, AND PER DIEM EMPLOYEES.

(6) *New employees:*

Regular employees who have been in the department less than a year, including those reinstated, except those appointed by transfer from other departments, may be granted annual leave of absence at the rate of two and one-half days for each month of service, and sick leave at the same rate.

(7) *Transferred employees:*

Persons transferred from another department or from one division or office to another within this department will be charged with the leave taken in the current year prior to such transfer. Certificates of leave granted by their former departments will be required.

(8) *Absence certificates on transfer:*

Employees transferred from this department to another will, upon request, be given certificates showing their annual and sick leave during the current year to date of transfer.

(9) *Per diem employees:*

Per diem employees shall not be granted leave with pay if their appointments state "salary when actually employed." If per diem rate is simply a measure of salary and they are regularly and continuously employed without limitation, they are entitled to leave the same as those with annual or monthly rates of salary.

(10) *Temporary employees:*

Temporary employees will not be allowed annual leave with pay during the first two months of service. They may, in meritorious cases, be allowed accrued sick leave.

GENERAL.

(11) *Leave, when not to be granted:*

In no case shall officers or chiefs of divisions recommend or allow leave of absence when to grant it will cause embarrassment to the service.

(12) *Leave revocable:*

Leave of absence may be revoked at any time and the employee ordered to return to duty before its expiration should the exigencies of the service render such action necessary.

(13) *Only accrued leave allowed on resignation, etc.:*

On separation from the department by resignation, dismissal, or transfer employees may be allowed only accrued annual leave at the rate of two and one-half days for each month of service since the first of the calendar year; but more than this may be granted (within the legal limit) when separation occurs after the middle of the year if the employee has served five or more years.

(14) *Allowance of leave confined to current year:*

Leave is not cumulative. Employees who are prevented by the requirements of the service, or otherwise, from availing themselves of the regular annual leave will not be entitled to it or any portion thereof in a subsequent year.

(15) *Sundays, holidays, half holidays:*

Sundays and legal holidays and holidays by Executive order will not be counted except in leave without pay. (See rule 37.)

(16) *Saturday afternoons in summer:*

Saturdays from June 15 to September 15 will be charged as four hours in annual and sick leave and as whole days in leave without pay.

(17) *Presidential appointees:*

While presidential appointees are not held to be subject to the law granting to Government employees 30 days' leave of absence each year, yet it is desired that this be not exceeded without the approval of the head of the department.

ANNUAL LEAVE.

(18) *Applications in advance:*

Applications for leave of absence must be made in advance of the beginning of the leave and will be forwarded to the chief clerk of the department on the form provided for that purpose, approved by the proper officer or chief of division. Leave of absence must not be allowed to any employee until the application has been approved by the chief clerk.

(19) *Credit for leave not taken:*

When specific leave has been granted, and for any reason a person to whom such leave has been granted returns to duty before the expiration thereof, no credit will be given for the time not taken unless written request is made at once upon return to duty.

(20) *How leave may be taken:*

Leave of absence not to exceed 30 days (exclusive of Sundays and legal holidays) in any one calendar year may be granted as follows:

At any time during the months of January, February, March, April, May, or June, for any number of days which does not exceed the number of days accrued (at the rate of two and one-half days per month) and unused at the date of request for leave: *Provided*,

That in special cases, where the application is accompanied by a written statement by the administrative officer in charge giving good and sufficient reasons therefor, these restrictions may be waived.

At any time after July 1 in any calendar year the full 30 days may be granted, or such portion thereof as may be due.

(See modification of this rule, effective during period of war, p. 13.)

SICK LEAVE.

(21) *Physician's certificate:*

A physician's certificate will not be deemed satisfactory unless it shows that he personally attended the employee, the date or dates of attendance, the place of attendance, the duration of the illness, and that the employee was actually physically disabled for the performance of official duties.

(22) *Without physician's certificate:*

In case no physician was in attendance, the employee must make affidavit that the absence was due entirely to personal illness, and that he or she was wholly unable to perform official work. Periods not exceeding 3 days may be granted on affidavit; the aggregate of such sick leave during the year, however, not to exceed 12 days.

If in excess of this it will be charged as annual leave or leave without pay.

(23) *Slight ailments:*

Slight ailments or indisposition will not be accepted as sufficient cause for allowing sick leave. Such absences should be charged to annual leave.

(24) *Absentees must report fact promptly:*

An employee absent on account of personal illness must report the fact to the chief of the division in which employed as promptly as possible, otherwise the time lost may be charged to annual leave or leave without pay.

(25) *Application must be made within three days:*

Application for sick leave must be made within three days after the return of the employee to duty.

(26) *Reports in protracted illness:*

When absence by illness is protracted, reports should be sent to the chief of division at intervals of 10 days, if possible, as to employee's condition and probable return to duty.

(27) *Quarantine:*

When an employee has been exposed to a contagious disease for which the medical authorities quarantine the patient, he should immediately file with the chief of the division in which employed a certificate from the attending physician or proper health authority stating that in his judgment the presence of the employee in the office would jeopardize the health of fellow clerks and report to the division in which he be employed at intervals of not more than 10 days as to his probable return to duty. Application for leave with pay for the time lost must be accompanied by a certificate from the health office showing that a case of contagion existed on the premises during the time covered by the application, and the attending physician must certify that all danger from contagion has passed.

(28) *Not less than one-half day granted:*

Sick leave will not be granted or charged on time report for less than one-half day for each absence of a half day or fraction thereof, but actual time will be charged for absence in excess of one-half day.

(29) *Not granted in advance:*

Sick leave will not be granted in advance.

(30) *Dentist or oculist:*

Absence for the purpose of being treated professionally by a dentist or oculist at his office is not allowable as sick leave, but this is not intended to disallow sick leave for detention at home by illness or disability due to causes as to which a dentist or oculist is qualified to certify.

(31) *Sundays and holidays:*

Sundays, holidays, and half holidays will not be charged.

(32) *Inspection of records forbidden:*

Records of annual and sick leaves are not open to inspection by employees.

(33) *Penalties for deception:*

All employees will be held to a strict accountability for statements made by them for inability to perform duty when sick leave has been granted, and should subsequent developments prove that it was obtained by misrepresentation it will be charged to leave without pay, even if the offender has annual leave still due. A second attempt to mislead or deceive officials, directly or indirectly, in regard to absence on account of alleged sickness will be deemed sufficient cause for dismissal.

(34) Modifying annual leave to sick leave:

When a person to whom a specific leave of absence has been granted becomes incapacitated by illness during the period covered by such leave, and asks that the time of such sickness be not charged to annual leave, but be treated as sick leave, this will be done only when the request is made at the time, supported by a medical certificate.

LEAVE WITHOUT PAY.

(35) Leave without pay is a favor which may be granted only when in the opinion of the head of the office or division the public business will not suffer by the absence and when reasonable cause is shown.

(36) Deduction of pay for absence in excess of legal limit:

Absence of employees in excess of the legal allowance with pay must be covered by an application for leave of absence without pay for one-half day or more.

(37) Sundays and holidays:

Sundays, holidays, and half holidays occurring at any time except at the beginning of a period of leave without pay will be charged.

(38) A proportionate deduction from the annual allowance of leave will be made in the case of a person absent without pay for more than one month.

An employee who is absent at the end of a year without pay, and who continues absent at the beginning of the next year, will not be allowed annual or sick leave on the new year's allowance until return to duty for an aggregate of 30 days, and thereafter leave will be computed from the date of return to duty.

ABSENCE WITHOUT LEAVE.

(39) Employees absent without first obtaining leave and not sick or quarantined may be subject to the enforcement of leave without pay, and a repetition of the offense may be deemed good ground for dismissal.

COURT LEAVE.*(40) Subpœnaed employees and Government witnesses:*

Employees who have been subpœnaed to attend court will be allowed special leave of absence with pay when serving as witnesses for the Government; otherwise such absence will be charged to annual leave or leave without pay. (See sec. 850, R. S.)

(41) *Official business at court:*

Attendance at court for official business connected with the employee's usual departmental duties and time required in going and returning is not considered absence from duty.

MILITARY LEAVE.

(42) Application for military leave must be supported by the certificate of a competent officer of the District National Guard.

The act approved June 3, 1916 (Public, No. 85), provides:

SEC. 80. All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this act.

EXECUTIVE ORDERS.

(No. 1076.)

It is hereby ordered that all officers of the Government, arsenals, navy yards and stations, and other Government establishments shall, when the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, and the 25th day of December fall on the first day of the week, commonly called Sunday, be closed to public business on the following Monday, and that all employees in the public service, wherever employed, who would be excused from work on the above-named days be excused on the following Monday when said days fall on the first day of the week, commonly called Sunday, excepting that where a State law fixes for a holiday another day than the Monday following such legal holiday the Government offices and other Government establishments situated in such States shall close and employees in the public service shall be excused on that day which is in conformity to State law.

WM. H. TAFT.

THE WHITE HOUSE, *May 22, 1909.*

It is hereby ordered that from June 15 to September 15 of each year, until further notice, four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays for all clerks and other employees of the Federal Government wherever employed, and all Executive or other orders in conflict herewith, except the Executive order of April 4, 1908, relating to certain naval stations, are hereby revoked: *Provided, however,* That this order shall not apply to any bureau or office of the Government, or to any of the clerks or other employees thereof, that may for special public reasons be excepted therefrom by the head of the department having supervision or con-

trol of such bureau or office, or where the same would be inconsistent with the provisions of existing law.

WOODROW WILSON.

THE WHITE HOUSE, *June 9, 1914.*

LAWS, ORDERS, AND DECISIONS.

EMPLOYEES OUTSIDE OF WASHINGTON.

A clerk or other employee of an executive department of the Government whose duties are performed at a place other than the seat of government is as much entitled to the benefits of the act of March 15, 1898, with reference to leaves of absence, as one whose duties are performed in the city of Washington. (Decision of the Attorney General, May 11, 1898, vol. 22, pp. 77 to 82.)

LAWS AUTHORIZING LEAVES OF ABSENCE.

The act of March 15, 1898 (30 Stat., 316), provides that:

* * * Hereafter it shall be the duty of the heads of the several executive departments, in the interest of the public service, to require of all clerks and other employees of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their departments, respectively; but in case of an extension it shall be without additional compensation: *Provided further*, That the head of any department may grant thirty days' annual leave with pay in any one year to each clerk or employee: *And provided further*, That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the department, with pay, not exceeding thirty days in any one case or in any one calendar year.

This section shall be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall be stopped upon the expiration of the granted leave.

The act of July 7, 1898 (30 Stat., 863), provides that:

* * * Nothing contained in section seven of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year eighteen hundred and ninety-nine, approved March fifteenth, eighteen hundred and ninety-eight, shall be construed to prevent the head of any executive department from granting thirty days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding thirty days' leave with pay on account of sickness, as provided in said section seven.

The act of February 24, 1899 (30 Stat., 890), provides:

* * * That the thirty days' annual leave of absence with pay in any one year to clerks and employees in the several executive departments authorized by existing law shall be exclusive of Sundays and legal holidays.

The act of March 1, 1889 (25 Stat., 779), providing for the organization of the militia of the District of Columbia, provides:

SEC. 49. That all officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act.

By the act of July 1, 1902 (32 Stat., 615), the foregoing section is construed to cover all days of service which the National Guard, or any portion thereof, may be ordered to perform by the commanding general.

DEPARTMENT OF JUSTICE,
Washington, D. C., July 1, 1919.

Circular No. 844.
(Reissue.)

To employees:

By direction of the Attorney General the order of December 3, 1917, limiting leave of absence to one day at a time, is hereby suspended. Annual leave will be granted to employees from this date for not exceeding 11 days at a time, at such intervals as they can be spared by their respective heads of divisions. This will enable employees to be absent for two consecutive weeks, including Saturday half holidays, and to take advantage of the Sundays intervening. Eleven-day periods of leave may be extended at the expiration thereof, upon application, if conditions warrant.

The attention of employees is again called to the Attorney General's order that leave must not be taken until it has been approved by the chief clerk.

Respectfully,

C. E. STEWART, *Chief Clerk.*



LIBRARY OF CONGRESS



0 012 321 965 A 0